

### **REMARKS**

Claims 1-24 are pending in this application. Claim 12 is allowed. Claims 1-11 and 13-17 have been amended to depend from allowable claim 12. Support for these amendments is found at least in originally filed claims 1-17. Claims 18 and 22 have been amended to recite that the inclination ( $\beta$ ) of the cooling gas stream in the direction of passage is greater than the expansion ( $\gamma$ ) of the cooling gas stream. Support for the amendment is found at least at page 17, lines 11-18 and Figure 2. Claim 23 is amended to correct a clerical error, to depend from claim 22, rather than claim 1. Applicants respectfully submit that the amendments do not introduce new matter.

#### **Allowable Subject Matter**

The undersigned wishes to thank the Examiner for indicating that claim 12 is allowed.

#### **Rejection under 35 U.S.C. § 102(b)**

The prior rejection of the claims as being anticipated by U.S. Patent No. 5,607,639 to Zikeli was maintained because Exhibit A was missing from the declaration. Applicants file record indicates that Exhibit A was included with the prior response, and a postcard mailed by the Patent Office indicates that Exhibit A was received. However, Applicants resubmit the prior-filed declaration, including Exhibit A, with this response, and request that the rejection be withdrawn.

#### **Rejection under 35 U.S.C. § 103(a)**

Claims 1-11 and 13-24 stand rejected under 35 U.S.C. §103 (a) as being obvious over Graveson et al. (WO 96/21758 A1) in combination with Chang et al. (U.S. Patent Application Publication 2002/0025433 A1).

Claims 1-11 and 13-17 are amended to depend from allowable claim 12, thereby mooting the rejection. Allowance of claims 1-11 and 13-17 is respectfully requested.

Claims 18 and 22 are each amended to recite that the inclination ( $\beta$ ) of the cooling gas stream in the direction of passage is greater than the expansion ( $\gamma$ ) of the cooling gas stream. Claims 18 and 22 are allowable for at least the reasons set forth in the prior response of December 6, 2006, and also for the following reasons.

Graveson does not teach or suggest the claimed shielding zone or a multitude of extrusion orifices. Furthermore, Graveson does not teach or suggest claim 18's or claim 22's "inclination ( $\beta$ ) of the cooling gas stream in the direction of passage is greater than the expansion ( $\gamma$ ) of the cooling gas stream." Rather, Graveson discloses that "[a]ir is preferably supplied to and extracted from the air-gap in a direction substantially transverse to the direction of travel of the dope extrudate through the air-gap, that is to say horizontally when using such conventional extrusion techniques. In such a transverse arrangement, the current of air flowing across the air-gap may conveniently be referred to as a cross-draft." Page 3, lines 2-8 (emphasis added).

Chang fails to cure the deficiencies of Graveson, as it also fails to teach or suggest a method in which "the inclination ( $\beta$ ) of the cooling gas stream in the direction of passage is greater than the expansion ( $\gamma$ ) of the cooling gas stream." Rather, Chang discloses that "[v]acuum source 37 pulls quench gas ... into zone 2 through perforated cylinders 5a and 5b." (Paragraph 43).

Moreover, one of skill in the art would have no motivation to modify or combine the teachings of Graveson and Chang. The Examiner asserts that one of skill in the art would be motivated to combine the teachings "principally in order to protect newly spun bodies from immediate contact with a quench medium." Office action, page 4. However, the Examiner appears to be using impermissible hindsight to reconstruct Applicant's invention from the reference teachings, as this conclusory statement provides no indication as to why one of skill in the art would be motivated to protect the newly spun bodies of Graveson from the quench medium. Indeed, absent Applicants disclosure, one of skill in the art would not be motivated to include a shielding zone in a wet-spinning process utilizing a precipitation bath. "To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570 (Fed. Cir. 1996).

Graveson and Chang are each directed to entirely different spinning processes that use different materials. Graveson is directed to a method of manufacturing extruded lyocell from a solution of cellulose in a tertiary amine-N-oxide using a wet-spinning process (Abstract). In contrast, Chang is directed to a method of making crimpable polyester bicomponent fibers using a melt-spinning process (Paragraphs 8-10). In Graveson's wet-spinning process, a precipitation bath facilitated solidification of the fibers by removal of the solvent (Figure). Graveson's air gap

contained zones to maintain a particular moisture content (Abstract). In contrast, in Chang's melt spinning process, no solvent was used and the fibers were solidified by cooling in an air gap (See e.g., paragraph 41). One of skill in the art would have no motivation to combine these disparate spinning processes and would not reasonably expect the combination to succeed, not least because complex interactions between the spun fibers and quench conditions would be completely different between the two processes. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established for claims 18 and 22.

Allowance of claims 18 and 22 is respectfully requested.

Claims 19-21 and 24 depend from allowable claim 18, and are therefore allowable. Claims 19-21 and 24 may contain additional patentable subject matter for reasons not discussed herein. Allowance of claims 19-21 and 24 is respectfully requested.


Claim 23 depends from allowable claim 22, and is therefore allowable. Claim 23 may contain additional patentable subject matter for reasons not discussed herein. Allowance of claim 23 is respectfully requested.

### CONCLUSION

In view of the foregoing, consideration and allowance of claims 1-11 and 13-24 are respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the number below should any issues remain.

No additional fees are believed to be due in connection with this submission. However, if any additional fees are owed, please charge such fees to deposit account number 13-3080.

Respectfully submitted,



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